

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RENALDO JOHNSON,

Plaintiff,

v.

JAMES G. COX et al.,

Defendants.

2:15-cv-01830-JCM-VCF

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. On October 20, 2015, this court issued an order directing plaintiff to file his current address with the court within 30 days from the date of that order. (ECF No. 4 at 1-2). The thirty-day period has now expired, and plaintiff has not filed his updated address with the court or otherwise responded to the court's order.

District courts have the inherent power to control their dockets and "[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)

1 (dismissal for lack of prosecution and failure to comply with local rules).

2 In determining whether to dismiss an action for lack of prosecution, failure to obey a
3 court order, or failure to comply with local rules, the court must consider several factors: (1)
4 the public's interest in expeditious resolution of litigation; (2) the court's need to manage its
5 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of
6 cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d
7 at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-
8 61; *Ghazali*, 46 F.3d at 53.

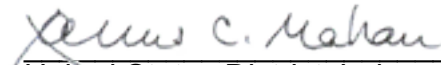
9 In the instant case, the court finds that the first two factors, the public's interest in
10 expeditiously resolving this litigation and the court's interest in managing the docket, weigh in
11 favor of dismissal. The third factor, risk of prejudice to defendants, also weighs in favor of
12 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in
13 filing a pleading ordered by the court or prosecuting an action. *See Anderson v. Air West*, 542
14 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases
15 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.
16 Finally, a court's warning to a party that his failure to obey the court's order will result in
17 dismissal satisfies the "consideration of alternatives" requirement. *Ferdik*, 963 F.2d at 1262;
18 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The court's order requiring
19 plaintiff to file his updated address with the court within thirty days expressly stated: "IT IS
20 FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this
21 action may result." (ECF No. 4 at 2). Thus, plaintiff had adequate warning that dismissal
22 would result from his noncompliance with the court's order to file his updated address with the
23 court within thirty days.

24 It is therefore ordered that this action is dismissed without prejudice based on plaintiff's
25 failure to file his updated address with the court in compliance with this court's October 20,
26 2015, order.

27 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1) and
28 the motion for appointment of counsel (ECF No. 2) are denied as moot.

1 It is further ordered that the clerk of court shall enter judgment accordingly.
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3 DATED: December 2, 2015.
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6 United States District Judge
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